

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BRENDA ARMSTRONG, et al.,

Plaintiffs,

No. C 13-03113 WHA

v.

MCKESSON CORPORATION, a
California corporation, SMITHKLINE
BEECHAM CORPORATION d/b/a/
GLAXOSMITHKLINE LLC, a
corporation, and DOES 1–100, inclusive,

Defendants.

**ORDER REQUESTING
SUPPLEMENTAL
SUBMISSIONS**

In this product liability action for the prescription medication Avandia, a multidistrict litigation proceeding was started in the United States District Court for the Eastern District of Pennsylvania. The present action was first filed in state court and then removed to federal court by defendant GlaxoSmithKline LLC. Pending before this Court are plaintiffs' motion to remand and defendants' motion to stay pending transfer to the MDL. The MDL judge has previously held that removal is proper when "an out-of-state defendant removes after it has been served, but prior to service upon any forum defendant." *In re Avandia*, 624 F.Supp.2d 396, 411 (E.D. Pa., 2009) (Judge Cynthia Rufe). Counsel for plaintiffs are ordered to file proof of the date each defendant in this action was served with the original complaint. Plaintiffs' response shall be made by **3:00 P.M. on AUGUST 16, 2013**.

IT IS SO ORDERED.

Dated: August 14, 2013



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE